



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,984	08/20/2003	Sue Smoot	SMOOT001	7498

7590 11/16/2004

Kevin Lynn Wildenstein  
Southwest Intellectual Property Services, LLC  
Suite 8  
6700-B Jefferson  
Albuquerque, NM 87109

EXAMINER

COLETTA, LORI L

ART UNIT	PAPER NUMBER
----------	--------------

3612

DATE MAILED: 11/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/644,984

Applicant(s)

SMOOT, SUE

Examiner

Lori L. Coletta

Art Unit

3612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 18 October 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 13, 14 and 20 is/are rejected.
- 7) ☒ Claim(s) 4-12 and 15-19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 October 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Objections*

1. Claim 9 is objected to because of the following informalities:

Claim 9 recites the limitation "the console pile coupler" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 13, 14 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gillum 4,958,879 in view of Short, Sr. 2,549,395 and Poulson 5,979,967.

Regarding claim 1, Gillum '879 discloses a method for substantially reducing glare from sunlight when operating a vehicle having at least one pair of visors (34) adjacent to a main viewing window (26), the visors spaced sufficiently apart from each other and from the vehicle's rear view mirror (24) thereby defining a sunlight transmission area; and allowing the apparatus to be removably securable to the rear view mirror in the sunlight transmission area from above the rear view mirror in Figure 1.

However, Gillum '879 does not show the apparatus being of sufficient width, height and shape to completely cover the sunlight transmission area while allowing operation of the vehicle; and the coupling system comprising at least a first hook coupler and at least a second pile

Art Unit: 3612

coupler, the first hook coupler place on the rear view mirror in a substantially vertical orientation relative to any horizontal surface, the first pile coupler placed on the apparatus in a substantially horizontal orientation relative to the surface.

Short, Sr. '395 teaches an apparatus (10) being of sufficient width, height and shape to completely cover the sunlight transmission area while allowing operation of the vehicle in Figure 4.

Poulson '967 teaches a coupling system comprising at least a first hook coupler and at least a second coupler, the first hook coupler (51) placed on the rear view mirror (12) and the first pile coupler (50) placed on the apparatus (10) in Figure 3.

Regarding claim 1, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the light blocking apparatus of Gillum '879 a sufficient width, height and shape, as taught by Short Sr. '395, in order to provide complete cover of the sunlight transmission area while allowing operation of the vehicle.

Regarding claim 1, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the light blocking apparatus of Gillum '879, as modified, with a coupling system, as taught by Poulson '967, in order to lend sufficient support to the apparatus and so that the sides of the panel extending beyond the rear view mirror surface will not tend to collapse or fold downwardly from the rear view mirror.

Regarding claim 2, Gillum '879, as modified, discloses the method, the apparatus being formed of material sufficient to reduce the transmission of any sunlight from transmitting therethrough.

Art Unit: 3612

Regarding claim 3, Gillum '879, as modified, discloses the method, the material being formable to allow the apparatus to be folded by a vehicle operator for storage, and unfolded for use by the vehicle operator.

Regarding claim 13, Gillum '879 discloses an article of manufacture for substantially reducing glare from sunlight when operating a vehicle having at least one pair of visors (34) adjacent to a main viewing window (26), the visor spaced sufficiently apart from each other and from the vehicle's rear view mirror thereby defining a sunlight transmission area, the apparatus comprising, a light blocking apparatus (10), the apparatus including a notch (16) adapted to receive an arm (22) from an adjacent position next to a headliner within the vehicle, which connects the rear view mirror to the main viewing window

However, Gillum '879 does not show the apparatus being of sufficient width and height to completely cover the sunlight transmission area while allowing operation of the vehicle, and a coupling system on the apparatus, the coupling system comprising at least a first hook coupler and at least a second pile coupler, the first hook coupler placed on the rear view mirror in a substantially vertical orientation relative to any horizontal surface, the first pile coupler placed on the apparatus in a substantially horizontal orientation relative to the surface.

Short, Sr. '395 teaches an apparatus (10) being of sufficient width, height and shape to completely cover the sunlight transmission area while allowing operation of the vehicle in Figure 4.

Poulson '967 teaches a coupling system comprising at least a first hook coupler and at least a second coupler, the first hook coupler (51) placed on the rear view mirror (12) and the first pile coupler (50) placed on the apparatus (10) in Figure 3.

Art Unit: 3612

Regarding claim 13, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the light blocking apparatus of Gillum '879 a sufficient width, height and shape, as taught by Short Sr. '395, in order to provide complete cover of the sunlight transmission area while allowing operation of the vehicle.

Regarding claim 13, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the light blocking apparatus of Gillum '879, as modified, with a coupling system, as taught by Poulson '967, in order to lend sufficient support to the apparatus and so that the sides of the panel extending beyond the rear view mirror surface will not tend to collapse or fold downwardly from the rear view mirror.

Regarding claim 14, Gillum '879, as modified, discloses the article, the article being formed of material sufficient to reduce or eliminate any sunlight from transmitting therethrough, and which is formable to allow the article to be folded by a vehicle operator for storage, and unfolded for use by the vehicle operator.

Regarding claim 20, Gillum '879 discloses a device for shielding sunlight transmission that occurs in a sunlight transmission area in the vehicle, the vehicle having at least one pair of visors adjacent to a main viewing window, the visors spaced sufficiently apart from each other and from the vehicle's rear view mirror thereby defining the sunlight transmission area, the device comprising a sunlight deflection apparatus formed of substantially the same material, and the device adapted to be removably securable to the rear view mirror from above the rear view mirror.

Art Unit: 3612

However, Gillum '879 does not show the apparatus the apparatus of sufficient width, height and shape to completely cover the sunlight transmission area, and the device adapted to be removably securable to the rear view mirror by a coupling system.

Short, Sr. '395 teaches an apparatus (10) being of sufficient width, height and shape to completely cover the sunlight transmission area while allowing operation of the vehicle in Figure 4.

Poulson '967 teaches a coupling system comprising at least a first hook coupler and at least a second coupler, the first hook coupler (51) placed on the rear view mirror (12) and the first pile coupler (50) placed on the apparatus (10) in Figure 3.

Regarding claim 20, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the light blocking apparatus of Gillum '879 a sufficient width, height and shape, as taught by Short Sr. '395, in order to provide complete cover of the sunlight transmission area while allowing operation of the vehicle.

Regarding claim 20, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the light blocking apparatus of Gillum '879, as modified, with a coupling system, as taught by Poulson '967, in order to lend sufficient support to the apparatus and so that the sides of the panel extending beyond the rear view mirror surface will not tend to collapse or fold downwardly from the rear view mirror.

Art Unit: 3612

*Allowable Subject Matter*

4. Claims 4-12 and 15-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

*Response to Arguments*

5. Applicant's arguments with respect to claims 1-3, 13, 14 and 20 have been considered but are moot in view of the new ground(s) of rejection.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lori L. Coletta whose telephone number is (703) 306-4614. The examiner can normally be reached on Monday-Friday 6:00am-2:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on (703) 308-3102. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Lori L. Coletta*  
Lori L. Coletta  
Primary Examiner  
Art Unit 3612



Application/Control Number: 10/644,984

Page 8

Art Unit: 3612

llc

November 10, 2004